

CAUSE NO. PD-0203-19

STATE OF TEXAS

VS.

MATTHEW JOSEPH ALLEN

§ **IN THE COURT OF** FILED
§ COURT OF CRIMINAL APPEALS
§ 7/29/2019
§ DEANA WILLIAMSON, CLERK
§ **CRIMINAL APPEALS**
§
§ **STATE OF TEXAS**

**FIRST MOTION TO EXTEND TIME TO FILE BRIEF
IN SUPPORT OF PETITION FOR DISCRETIONARY REVIEW**

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes Matthew Joseph Allen, Appellant in the above styled and numbered cause, and moves for an extension of time of thirty (30) days to file a brief in support of Petition for Discretionary Review, and for good cause shows the following:

1. On June 26, 2019, this Court granted Appellant's Petition for Discretionary Review (GROUND NO. 2). The brief in support of this Petition is due 30 days thereafter, i.e. on July 26, 2019. *See* Tex. R. App. Proc. 70.1.

2. Counsel has been unable to complete the brief for the following reasons: Counsel for Appellant has prepared and/or participated in two felony jury trials, three misdemeanor jury trials, one family law bench trial and two emergency family law hearings in the past thirty-five (35) days. Counsel for Appellant has also participated in one all day mediation. Counsel for Appellant has also been

preparing post-conviction writs of habeas corpus in Cherokee County and Hopkins County, Texas. Counsel for Appellant also appeared at daily docket court settings in Collin, Denton, Dallas, Hunt and Rockwall Counties, managing the case settings in approximately 30-45 active criminal cases, felonies and misdemeanors. Finally, Appellant spent two (2) weeks recovering from an emergency surgery to repair a strangulated inguinal hernia. Counsel for Appellant has not had the opportunity to thoroughly and adequately draft, revise, and submit Appellant's Brief in Support of the Petition for Discretionary Review.

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully requests an extension of 30 days, i.e. until August 25, 2019, to file a brief in support of Petition for Discretionary Review.

Respectfully submitted,

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/s/ Marc J. Fratter

By: _____
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Attorney for Matthew Joseph Allen

CERTIFICATE OF SERVICE

This is to certify that on July 26, 2019, a true and correct copy of the above and foregoing document was served on the Collin County District Attorney's Office at the Russell A Steindam Courts Building, 2100 Bloomdale Road, Suite 100, McKinney, Texas 75071, by electronic service through the Electronic Filing Manager.

/s/ Marc J. Fratter

Marc J. Fratter